

MINIMUM FILING FEE: \$100.00
FILE ORIGINAL & ONE COPY
TYPE OR PRINT IN BLACK INK
(For explanation of entries required, see
booklet "How to file an Application to
Appropriate Water in California")

State of California
State Water Resources Control Board
DIVISION OF WATER RIGHTS
P.O. Box 2000, Sacramento, CA 95812-2000
Info: (916) 341-5300, FAX: (916) 341-5400, Web: <http://www.waterrights.ca.gov>

STATE WATER RESOURCES
CONTROL BOARD

2009 AUG -7 AM 9:08

DIV. OF WATER RIGHTS
SACRAMENTO

Working
Copy

APPLICATION TO APPROPRIATE WATER

APPLICATION No. **31438**
(Leave Blank)

1. APPLICANT

Las Virgenes Municipal Water District

(818) 251-2145 (Randal Orton)

4232 Las Virgenes Road
(Name of applicant)

(Telephone - between 8 a.m. and 5 p.m.)

Calabasas, CA

91302-1994

(Mailing address)

(City or town)

(State)

(Zip code)

2. SOURCE

a. The name of the source at the point of diversion is

Malibu Creek

(If unnamed, state that it is an unnamed stream, spring, etc.)

tributary to Malibu Lagoon Pacific Ocean

b. In a normal year does the stream dry up at any point downstream from your project? YES ☒ NO ☐

If yes, during what months is it usually dry? From August to October

What alternate sources are available to your project should a portion of your requested direct diversion season be excluded because of a dry stream or nonavailability of water? None needed. See Env. Supp.

3. POINTS of DIVERSION and REDIVERSION

a. The point(s) of diversion will be in the County of Los Angeles
and within Assessor's Parcel Number (APN #) 4456

b.

per GES
ym 3/3/04

List all points giving coordinate distances from section corner or other tie as allowed by SWRCB regulations i.e. California Coordinate System	Point is within (40-acre subdivision)	Section	Township	Range	Base and Meridian
Intake located 1246 ft E of NW 1/4 of SW 1/4	NE W 1/4 of SW 1/4	18	T1S	R17W	SBM
Also CCS T127, Zone 7, N4, 142, 446, E4, 093, 98	1/4 of 1/4				
	1/4 of 1/4				

c. Does applicant own the land at the point of diversion? YES ☒ NO ☐

d. If applicant does not own the land at point of diversion, state name and address of owner and what steps have been taken to obtain right of access:

"The energy challenge facing California is real. Every California needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our Web-site at <http://www.swrcb.ca.gov>. Additional copies of this form and water right information can be obtained at www.waterrights.ca.gov.

See 6/24/03
Reid \$100
on 7/25/03

3/21/03
#0
DG

4. PURPOSE of USE, AMOUNT and SEASON

- a. In the table below, state the purpose(s) for which water is to be appropriated, the quantities of water for each purpose, and the dates between which diversions will be made. Use gallons per day if rate is less than 0.025 cubic foot per second (approximately 16,000 gallons per day).

PURPOSE OF USE (Irrigation, Domestic, etc.)	DIRECT DIVERSION				STORAGE		
	QUANTITY		SEASON OF DIVERSION		AMOUNT	COLLECTION SEASON	
	RATE (Cubic feet per second or gallons per day)	AMOUNT (Acre-feet per year)	Beginning Date (Mo. & Day)	Ending Date (Mo. & Day)	Acre-feet per annum	Beginning Date (Mo. & Day)	Ending Date (Mo. & Day)
Constructed wetlands	<900Kgpd	652	1/1	12/31	0	0	0
WATER QUALITY	1.4 CFS						

- b. Total combined amount taken by direct diversion and storage during

_____ acre-feet.

5. JUSTIFICATION of AMOUNT

- a. IRRIGATION: Maximum area to be irrigated in any one year is _____

SEE
MOM
Constructed
Wetland Page 2
11/16 - 4/14
6/1 - 9/30
Three times
waste water

_____ acres.

CROP	ACRES	METHOD OF IRRIGATION (Sprinklers, flooding, etc.)

NORMAL SEASON	
Beginning Date	Ending Date

- b. DOMESTIC: Number of residences to be served is _____. Separately owned? YES ☐ NO ☐
 Total number of people to be served is _____. Estimated daily use per person is _____
 Total area of domestic lawns and gardens is _____ square feet. (Gallons per day)
 Incidental domestic uses are _____
 (Dust control area, number and kind of domestic animals, etc.)

- c. STOCKWATERING: Kind of stock _____ Maximum number _____
 Describe type of operation: _____
 (Feed lot, dairy, range, etc.)

- d. RECREATIONAL: Type of recreation: Fishing ☐ Swimming ☐ Boating ☐ Other ☐

- e. MUNICIPAL: (Estimated projected use)

POPULATION		MAXIMUM MONTH		ANNUAL USE		
5-Year periods until use is completed		Average daily use (gal. per capita)	Rate of diversion (cfs)	Average daily use (gal. per capita)	Acre-foot (per capita)	Total acre feet
PERIOD	POP.					
Present						

Month of maximum use during year is _____. Month of minimum use during year is _____.

- f. ~~HEAT CONTROL:~~ The total area to be heat protected is _____ net acres.
 Type of crop protected is _____
 Rate at which water is applied to use is _____ gpm per acre.
 The heat protection season will begin about _____ (Date) and end about _____ (Date)
- g. ~~FROST PROTECTION:~~ The total area to be frost protected is _____ net acres.
 Type of crop protected is _____
 Rate at which water is applied to use is _____ gpm per acre.
 The frost protection season will begin about _____ (Date) and end about _____ (Date)
- h. ~~INDUSTRIAL:~~ Type of industry is _____
 Basis for determination of amount of water needed is _____
- i. ~~MINING:~~ The name of the claim is _____ Patented ☐ Unpatented ☐
 The nature of the mine is _____ Mineral to be mined is _____
 Type of milling or processing is _____
 After use, the water will be discharged into _____ (Name of stream)
 in _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ of Section _____, T _____, R _____, _____ B. & M.
 (40-acre subdivision)
- j. ~~POWER:~~ The total fall to be utilized is _____ feet. The maximum amount of water to be used through the penstock is _____ cubic feet per second. The maximum theoretical horsepower capable of being generated by the works is _____ Electrical capacity is _____ kilowatts at _____ % efficiency.
 (Cubic feet per second \times fall \div 8.8) (Ap \times 0.746 \div efficiency)
 After use, the water will be discharged into _____ (Name of stream)
 in _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ of Section _____, T _____, R _____, _____ B. & M. FERC No. _____
 (40-acre subdivision)
- k. ~~FISH AND WILDLIFE PRESERVATION AND/OR ENHANCEMENT:~~ YES ☒ NO ☐ If yes, list specific and habitat type that will be preserved or enhanced in item 10 of Environmental Information form APP-ENV.
- l. ~~OTHER:~~ Describe use: _____ Basis for determination of amount of water needed is _____

6. PLACE OF USE

- a. Does applicant own the land where the water will be used? YES ☐ NO ☒ Is land in joint YES ☐ NO ☒ ownership?
 (All joint owners should include their names as applicants and sign the application.)
 If applicant does not own land where the water will be used, give name and address of owner, and state what arrangements have been made with the owner. State Parks, Malibu Sector. MOU attached.

b. USE IS WITHIN (40-ACRE SUBDIVISION)	SECTION	TOWNSHIP	RANGE	BASE & MERIDIAN	IF IRRIGATED	
					Number of acres	Presently cultivated (Y/N)
NW $\frac{1}{4}$ of SE $\frac{1}{4}$	18	T1S	R17W	SBM	N/A	N/A
$\frac{1}{4}$ of $\frac{1}{4}$						
$\frac{1}{4}$ of $\frac{1}{4}$						
$\frac{1}{4}$ of $\frac{1}{4}$						
$\frac{1}{4}$ of $\frac{1}{4}$						

(If area is unsurveyed, state the location as if lines of the public land survey were projected, or contact the Division of Water Rights. If space does not permit listing all 40-acre tracts, include on another sheet or state sections, townships and ranges, and show detail on map.)

7. DIVERSION WORKS

a. Diversion will be by gravity by means of _____

(Dam, pipe in unobstructed channel, pipe through dam, siphon, weir, gate, etc.)

b. Diversion will be by pumping from sump _____ Pump discharge rate 0.9 MGD Horsepower 10

(Depth of the well _____) (Sump, offset well, channel, reservoir, etc.) (cfs or gpd)

c. Conduit from diversion point to first lateral or to offstream storage reservoir:

CONDUIT (Pipe or channel)	MATERIAL (Type of pipe or channel lining) (Indicate if pipe is buried or not)	CROSS SECTIONAL DIMENSION (Pipe diameter or ditch depth and top and bottom width)	LENGTH (Feet)	TOTAL LIFT OR FALL		CAPACITY (Estimate)
				Feet	+ or -	
Pipe	Buried	12 inch	2095	3	fall	2k gpm

d. Storage reservoirs: (For underground storage, complete Supplement 1 to APP, available upon request.)

Name or number of reservoir, if any	DAM				RESERVOIR		
	Vertical height from downstream toe of slope to spillway level (ft.)	Construction material	Dam length (ft.)	Freeboard Dam height above spillway crest (ft.)	Approximate surface area when full (acres)	Approximate capacity (acre-feet)	Maximum water depth (ft.)

e. Outlet pipe: (For storage reservoirs having a capacity of 10 acre-feet or more.)

Diameter of outlet pipe (inches)	Length of Outlet pipe (feet)	FALL (Vertical distance between entrance and exit of outlet pipe in feet)		HEAD (Vertical distance from spillway to outlet pipe in reservoir in feet)		Estimated storage below outlet pipe entrance (dead storage)

f. If water will be stored and the reservoir is not at the point of diversion, the maximum rate of diversion to offstream storage will be _____ cfs. Diversion to offstream storage will be made by: ☐ Pumping ☐ Gravity

8. COMPLETION SCHEDULE

a. Year work will start 7/1/03

b. Year work will be completed 9/1/03

c. Year water will be used to the full extent intended 2004

d. If completed, year of first use 2003

9. GENERAL

a. Name of the post office most used by those living near the proposed point of diversion is Calabasas

Does any part of the place of use comprise a subdivision on file with the Department of Real Estate? YES ☐ NO ☒

If yes, state name of the subdivision _____

If no, is subdivision of these lands contemplated? YES ☐ NO ☐

Is it planned to individually meter each service connection? YES ☐ NO ☐ If yes, when? _____

b. List the names and addresses of diverters of water from the source of supply downstream from the proposed point of diversion: None

c. Is the source used for navigation, including use by pleasure boats, for a significant part of each year at the point of diversion, or does the source substantially contribute to a waterway which is used for navigation, including use by pleasure boats? YES ☐ NO ☒ If yes, explain _____

10. EXISTING WATER RIGHT

Do you claim an existing right for the use of all or part of the water sought by this application? YES ☐ NO ☒
If yes, complete table below:

Nature of Right (riparian, appropriative, groundwater)	Year of First Use	Purpose of use made in recent years including amount, if known	Season of Use	Source	Location of Point of Diversion

11. AUTHORIZED AGENT (Optional)

With respect to ☐ all matters concerning this water right application ☐ those matters designated as follows:

(Name of agent) (Telephone number of agent between 8 a.m. and 5 p.m.)

(Mailing address) (City or town) (State) (Zip code)

is authorized to act on my behalf as my agent.

12. SIGNATURE OF APPLICANT

I (we) declare under penalty of perjury that the above is true and correct to the best of my (our) knowledge and belief.

Dated March 15 2003 at Calabasas, California

Ms. ☒ Mr.
Miss. Mrs.

Randall Oster
(Signature of applicant)

(If there is more than one owner of the project,
please indicate their relationship.)

Ms. Mr.
Miss. Mrs.

(Signature of applicant)

Additional information needed for preparation of this application may be found in the Instruction Booklet entitled "HOW TO FILE AN APPLICATION TO APPROPRIATE WATER IN CALIFORNIA". If there is insufficient space for answers in this form, attach extra sheets. Please cross-reference all remarks to the numbered item of the application to which they may refer. Send original application and one copy to the STATE WATER RESOURCES CONTROL BOARD, DIVISION OF WATER RIGHTS, P.O. Box 2000, Sacramento, CA 95812-2000, with \$100 minimum filing fee.

NOTE:

If this application is approved for a permit, a minimum permit fee of \$100 will be required before the permit is issued.

California Water Rights Online GIS

UnZoom	ZoomIn	ZoomOut	Pan	Identify	Select	Clear
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WSLoad - Water Flights	WSLoad - Rivers	Distance	Report	SDELoad
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Execute > Query >

Water Rights

Shaw's

3

24K Gold Hoop

Dead

100K Quad Wd

☒ [map] Load

250K Quad Map

☒ [map] [dev] [ea]

State Plane> Zone: 7,N:4142446.6,E:4073899.3

LatLong> -118.7063,34.0821

Albers> 119386.220,-436425.19

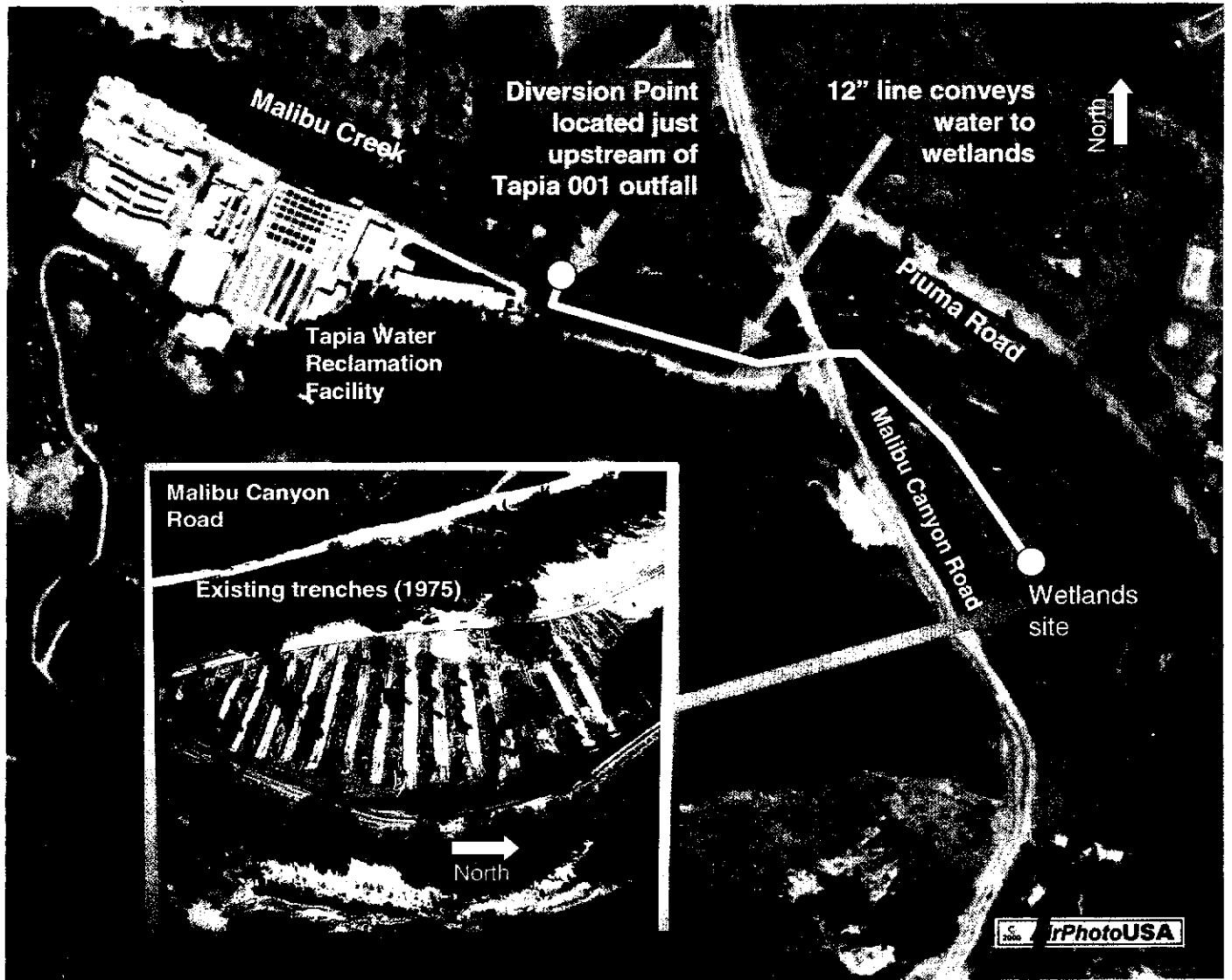


Photo taken 1/22/02 showing area view, including diversion point and where the water will be used (inset)).

State of California
State Water Resources Control Board
DIVISION OF WATER RIGHTS
P.O. Box 2000, Sacramento, CA 95812-2000
Info: (916) 341-5300, FAX: (916) 341-5400, Web: <http://www.waterrights.ca.gov>

STATE WATER RESOURCES
CONTROL BOARD

2003 AUG -7 AM 9:08

DIV. OF WATER RIGHTS
SACRAMENTO

APPLICATION TO APPROPRIATE WATER BY PERMIT
ENVIRONMENTAL INFORMATION

(THIS IS NOT A CEQA DOCUMENT)

APPLICATION NO.

31438

The following information will aid in the environmental review of your application as required by the California Environmental Quality Act (CEQA). IN ORDER FOR YOUR APPLICATION TO BE ACCEPTED AS COMPLETED, ANSWERS TO THE QUESTIONS LISTED BELOW MUST BE COMPLETED TO THE BEST OF YOUR ABILITY. Failure to answer all questions may result in your application being returned to you, causing delays in processing. If you need more space, attach additional sheets. Additional information may be required from you to amplify further or clarify the information requested in this form.

PROJECT DESCRIPTION

1. Provide a description of your project, including but not limited to, type of construction activity, structures existing or to be built, area to be graded or excavated and project operation, including how the water will be used.

CONSTRUCTED WETLAND. This project will convert an abandoned percolation pond to a wetland for removing nutrients and bacteria from Malibu Creek. Project site is 2.5 acres. Existing trenches will be scarified to restore original dimensions and gravel will be placed to provide substrate for native aquatic plants. Monitoring wells will be installed around the perimeter and within project site to monitor wetland performance. Water will be conveyed to site via existing pipes. Project is approved by Los Angeles Regional Water Quality Control Board (Order No. R4-2202-158) and funded by the Water District under a Prop. A Parklands Grant No. 58L5-98-1028. Project is exempt under CEQA (Class 1 & 3, sections 15301 & 15303), filed 8-9-01 by Department of Parks and Recreation, Malibu Sector.

GOVERNMENTAL REQUIREMENTS

Before a final decision can be made on your water right application, we must consider the information contained in an environmental document prepared in compliance with the requirements of CEQA. If an environmental document has been prepared, a determination must be made as to who is responsible for the preparation of the environmental document for your project. The following questions are designed to aid us in that determination.

2. Contact your county planning or public works department for the following information:

- a. Person contacted Mr. Tim Piaski Date of contact 12/4/97
Department Public Works Telephone (626) 458-4316
- b. Assessor's Parcel No. 4456 - Page 8, Parcel #903
- c. County Zoning Designation Open Space
- d. Are any county permits required for your project? No.
If yes, check appropriate space below:
_____ Grading Permit, _____ Use Permit, _____ Watercourse
Obstruction Permit, _____ Change of Zoning, _____ General Plan
Change, Other (explain):

- e. Have you obtained any of the required permits described above? _____
If yes, provide a complete copy of each permit obtained.

3. Are any additional state or federal permits required for your project? Yes (i.e., from Federal Energy Regulatory Commission, U.S. Forest Service, Bureau of Land Management, Soil Conservation Service, Department of Water Resources (Division of Safety of Dams), Reclamation Board, Coastal Commission, State Lands Commission, etc.) For each agency from which a permit is required provide the following information:

Permit type Coastal Commission Permit (Note: CCC requires all other permits in hand)
Person (s) contacted Tom Sinclair Agency CCC
Date of contact 11/26/02 Telephone (805) 585-1800

4. Has any public agency prepared an environmental document for any aspect of your project?
Yes.

If so, please submit a copy of the latest environmental document (s) prepared, including a copy of the notice of determination adopted by the public agency. If not, explain below whether you expect that a public agency other than the State Water Resources Control Board will be preparing

an environmental document for your application or whether the applicant, if it is a California public agency, will be preparing the environmental document for your project:

State Park CEQA Notice of Exemption and supporting docs attached.

Note: When completed, please submit a copy of the final environmental document (including notice of determination) or notice of exemption to the State Water Resources Control Board. Processing of your application cannot proceed until such documents are submitted.

5. Will your project, during construction or operation, generate waste or wastewater containing such things as sewage, industrial chemicals, metals, or agricultural chemicals, or

cause erosion, turbidity or sedimentation? No. If so, explain: _____

RWQCB approved Waste Discharge Requirements (WDR) for project in Order No. R4-2002-
-158, attached.

If yes or you are unsure of your answer, contact your local Regional Water Quality Control Board for the following information (See attachment for address and telephone number):

Will a waste discharge permit be required for your project? Yes, completed (see above)

Person contacted _____ Date of contact _____

What method of treatment and disposal will be used? _____

6. Have any archeological reports been prepared on this project, or will you be preparing an archeological report to satisfy another public agency? No.

Do you know of any archeological or historic sites located within the general project area?

None. If so, explain: Site consists of previously disturbed fill from construction of

Malibu Canyon Road.

ENVIRONMENTAL SETTING

7. Attach **THREE COMPLETE SETS** of color photographs, clearly dated and labeled, showing the vegetation currently existing at the following locations:
- Along the stream channel immediately downstream from the proposed point(s) of diversion
 - Along the stream channel immediately upstream from the proposed point(s) of diversion
 - At the place(s) where the water is to be used

Note: It is very important that you submit no less than three complete sets of photographs as required above. If less than three sets are submitted, processing of your application will be delayed until you furnish the remaining sets!

8. From the list given below, mark or circle the general plant community types which best describe those which occur within your project area (Note: See footnote denoted by * under Question 11 below):

Tree Dominated Communities

Subalpine Conifer
Red Fir
Lodgepole Pine
Mixed Conifer
 Sierran Mixed Conifer
 White Fir
 Klamath Mixed Conifer
Douglas-Fir
Jeffrey Pine
Ponderosa Pine
Eastside Pine
Redwood
Pinyon-Juniper
Juniper
Aspen
Closed-Cone Pine-Cypress
Montane Hardwood-Conifer
Montane Hardwood
Valley Foothill Hardwood
 Blue Oak Woodland
 Valley Oak Woodland
 Coastal Oak Woodland
Valley Foothill Hardwood-Conifer
 Blue Oak-Digger Pine
Eucalyptus
Montane Riparian
Valley Foothill Riparian
Desert Riparian
Palm Oasis
Joshua Tree

Shrub Dominated Communities

Alpine Dwarf-Shrub
Low Sage
Bitterbrush
Sagebrush
Montane Chaparral
Mixed Chaparral
Chamise-Redshank Chaparral

Coastal Scrub
Desert Succulent Shrub
Desert Wash
Desert Scrub
Alkali Desert Scrub

Herbaceous Dominated Communities

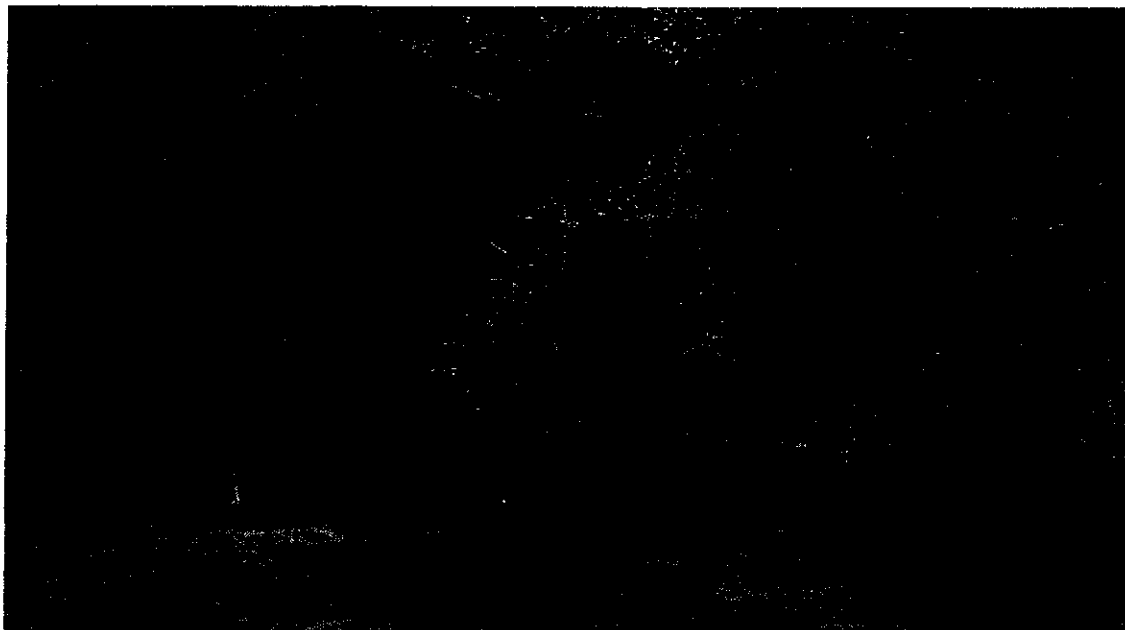
Annual Grassland
Perennial Grassland
Wet Meadow
Fresh Emergent Wetland
Saline Emergent Wetland
Pasture

Aquatic Communities

Riverine
Lacustrine
Estuarine
Marine

Developed Communities

Cropland
Orchard-Vineyard
Urban



Bank vegetation upstream of diversion point, looking NW. Taken 8/11/2002 by Tapia lab staff.



Bank vegetation downstream of diversion point, looking SE. Taken 10/23/2002 by Tapia lab staff.

Literature source: Mayer, K.E., and W.F. Laudenslayer, Jr., (eds). 1988. A Guide to Wildlife Habitats of California. California Department of Forestry and Fire Protection, Sacramento. 166 pp. (Note: You may view a copy of this document at our public counter at the address given at the top of this form or you may purchase a copy by calling the California Department of Fish and Game, Wildlife Habitat Relationships (WHR) Program at (916) 653-7203).

9. Provide below an estimate of the type, number, and size (trunk/stem diameter at chest height) of trees and large shrubs that are planned to be removed or destroyed due to implementation of the proposed changes. Consider all aspects of your application, including changes in diversion structures, water distribution and use facilities, and changes in the place of use due to additional water development.

Project impacts on native vegetation (removal, destruction) will be very minor, both at the point of diversion and within the project site itself. At point of diversion, water will be conveyed by existing pipes and will require no removal or destruction of vegetation. At the project site only plants within the existing trenches will be removed, and these consist primarily of invasive non-native plants and no trees (see photos). Vegetation removal will be supervised by State Parks plant ecologist under terms of Project MOU (attached), which specify how removal to be conducted.

FISH AND WILDLIFE CONCERNS

10. Identify the typical species of fish which occur in the source(s) from which you propose to divert water and discuss whether or not any of these fish species or their habitat has been or would be affected by your proposed changes. (Note: See footnote denoted by * under Question 11 below): One native fish species (Gila orcutti) and several exotic species (Lepomis, Morone, Gambusia) inhabit the creek at the point of discharge and above. Rindge Dam is located approx. 2 miles downstream, and the creek below this barrier is habitat for steelhead trout. NMFS has designated minimum stream flows for the creek that shall be maintained, as discussed in the RWQCB Order (attached). The project is designed to reduce non-native flows in the creek due to urban runoff, and will not divert water from the creek whenever background creek flows are in danger of falling below the minimum flows identified by the NMFS and the RWQCB. The diversion will be managed by the water district, which is also responsible for ensuring that minimum flows are maintained in the creek. Project will benefit fish and aquatic wildlife habitat by removing pollutants from creek.

11. Identify the typical species of riparian and terrestrial wildlife in the project area and discuss whether or not any of these species and/or their habitat has been or would be affected by your project through construction of water diversion and distribution works and/or changes in the place of water use. (Note: See footnote denoted by * below):

As discussed above, project occupies an already disturbed site dominated by invasive plants that will be removed under the terms of the Project MOU with State Parks. Project will replace currently dry, weedy trenches with wetlands habitat. Please see photos.

*Note: The purposes of Question 10 and 11 are to provide a preliminary assessment of the presence of typical plant and animal species in the area and whether these species might be affected by your project. Detailed site surveys to quantify populations of specific species or determine the presence of rare or endangered species may be required at a later date. It is very important that you answer these questions accurately. If you are unable to obtain appropriate answers from your local California Department of Fish and Game biologists (See attachment for address and telephone number) or you do not have adequate information or expertise to complete your answers, you should hire a fishery consultant and/or a wildlife consultant to review your project and prepare suitable answers for you. For information on available qualified fishery or wildlife consultants near you, consult your local telephone directory yellow pages under Environmental and Ecological Services, or call the California Environmental Protection Agency, Registered Environmental Assessor (REA) Program, at (916) 324-6881 or the University of California, Cooperative Extension Service (See your local telephone directory white pages).

12. Does your proposed project involve any construction or grading-related activity which has significantly altered or would significantly alter the bed or bank of any stream or lake? No.

If so, explain:

CERTIFICATION

I hereby certify that the statements I have furnished above and in the attached exhibits are complete to the best of my ability, and that the facts, statements, and information presented are true and correct to the best of my knowledge.

Date March 15, 2002

Signature

Randal Oster

State of California

Department of Parks and Recreation

NOTICE OF EXEMPTION

TO: Office of Planning and Research
1400 Tenth Street, Room 222
P.O. Box 3044
Sacramento, CA 95812-3044

FROM: Department of Parks and Recreation
1416 Ninth Street
P.O. Box 942896
Sacramento, CA 94296-0001

PROJECT TITLE: Percolation Ponds Rehabilitation (00/01-A-01)

LOCATION: Malibu Creek State Park

CITY:

COUNTY: Los Angeles

DESCRIPTION OF THE PROJECT:

Project is to rehabilitate storm-damaged percolation ponds in Malibu Canyon in Malibu Creek State Park. Project will transform the ponds into subsurface treatment wetlands by filling the existing ponds with gravel and planting native vegetation on top. No potential for significant impacts to the environment is anticipated.

PUBLIC AGENCY APPROVING THE PROJECT: Department of Parks and Recreation

NAME OF DIVISION CARRYING OUT THE PROJECT: Park Stewardship: Angeles District, Malibu

EXEMPT STATUS:

☐ Ministerial (Section 15268)

☐ Declared Emergency (Section 15269(a))

☐ Emergency Project (Section 15269(b) and (c))

☐ Statutory Exemption (Section:)

☒ X Categorical Exemption

Class: 1 & 3 Section: 15301 & 15303

CONTACT: Marla Mealey, Environmental Coordinator

TELEPHONE: (619) 220-5329

R. D. Davis 8-9-01
District Superintendent

**MEMORANDUM OF UNDERSTANDING
CONSTRUCTED WETLAND**



December 1, 2002



MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding (MOU) provides the principles, terms and conditions agreed to on September 19th by the Department of Parks and Recreation ("State Parks") and the Las Virgenes Municipal Water District ("District") for the construction, operation, maintenance and monitoring of a treatment wetlands on approximately three acres of land within the Malibu Creek State Park adjacent to the Tapia Water Reclamation Facility.

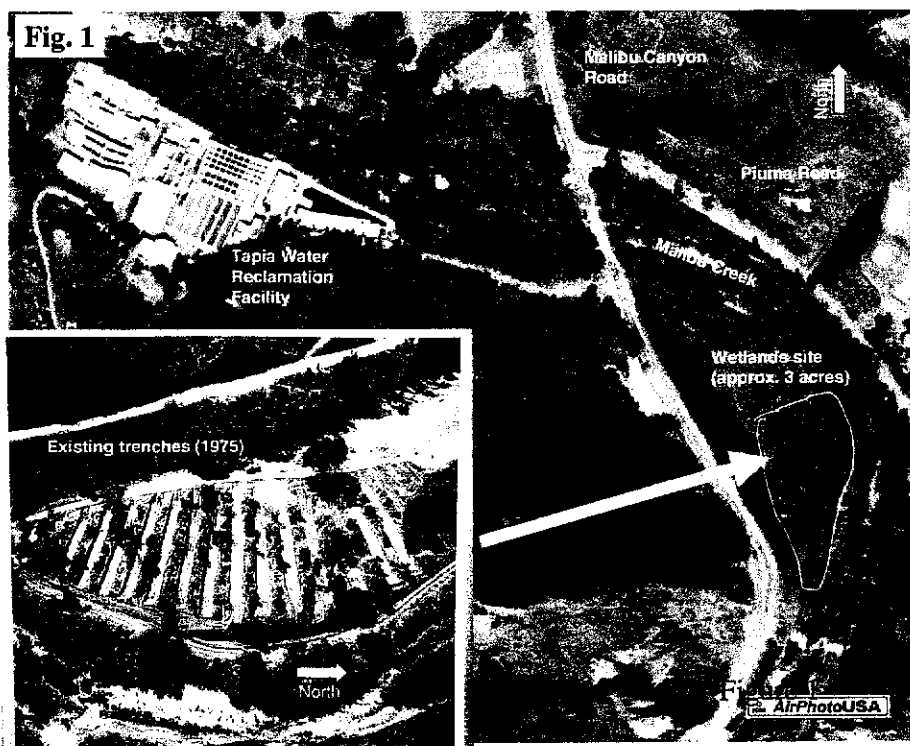
1. Guiding Principles

a) Agency Mission - Mutual Benefit

The District and State Parks agree that this project will mutually benefit the missions of both public agencies, by improving water quality and recreational use in Malibu Creek and Malibu Creek State Park and by providing the district a means of disposing of highly treated surplus recycled water.

b) No Harm

The project site consists of large areas of artificial fill and is dominated by non-native invasive plant species. It has been previously modified through the excavation of shallow trenches as shown in Figure 1. A guiding principle for proceeding with this project is that, should it be necessary to terminate the project at any stage, the project site will be left in a more natural condition than currently exists.



c) No precedent

State Parks' consideration of this project sets no precedent for any future use of state park land, either at this location or any other within the park. The district's use of the project site is compatible with the State Park's mission due to several unique circumstances, including the district's historical use of the site for water treatment, the site's existing condition (i.e. artificial fill, trenching and preponderance of non-native plant species), and the location of the site at the confluence of Malibu Creek's major tributary streams, which makes it highly desirable for treating urban runoff. Consideration is also based on the project's main objectives, all of which will benefit natural and recreational resources downstream, as described below.

2. Objectives

The wetlands are intended to serve multiple uses and purposes. The main objectives are:

- To remove pathogens and nutrients from Malibu Creek, a waterbody within the Malibu Creek State Park that is currently listed by the State Regional Water Quality Control Board as impaired for both of these pollutants.
- To dispose of surplus recycled water from the Tapia Water Reclamation Facility.
- To provide scientific data and technical information for use in other constructed wetland and wetland restorations projects in the watershed
- To showcase and provide public information and educational opportunities on natural treatment systems

The use of the wetlands to remove creek pollutants shall be for 40 weeks each year for two periods, from November 16th through April 14th and from June 1st through September 30th.

The use of the wetlands for recycled water disposal shall be for 12 weeks each year for two periods, from April 15th through May 31st and from October 1 through November 15th.

3. Term

The term of this agreement shall be for five (5) years commencing with the acceptance of this MOU by both parties, and shall be renewable thereafter if both parties agree.

2) Consideration for Access

In consideration for the district's use of state park land, the district shall:

- a) Design, construct, operate and maintain, in conformance with applicable laws, permits and water quality regulations, a treatment wetland located on State Park lands as shown in Exhibit A.

- b) Remove non-native invasive plant species within the project site.
- c) Contract with the Resource Conservation District of the Santa Monica Mountains or other agency acceptable to the state to provide a staff person at a level of Assistant Ecologist or equivalent for a period of two years, directed by and reporting to State Park ecologist Suzanne Goode or other personnel designated by State Parks. The duties of this staff person shall include, but not be limited to:
 - i) Day to day supervision for State Parks during wetlands construction, including identification of plants to be protected during construction
 - ii) Collection of water quality data and samples as required by the district's Regional Water Quality Control Board permit.
 - iii) Site surveillance to ensure no resurfacing of wetlands groundwater in the immediate vicinity of the project.
 - iv) Other duties that may be assigned by State Park personnel

3) Permits

The district shall ensure that its activities on state lands comply with all applicable federal, state and local laws and obtains all necessary permits for construction to proceed, including but not limited to:

- a) Federal Clean Water Act (WDR or NPDES permit)
- b) California Environmental Quality Act (Notice of Determination)
- c) California Coastal Act (Coastal Development Permit or Waiver, as appropriate)
- d) California Department of Fish and Game permits (1601 permit), if necessary

4) Other conditions

- a) State Parks shall not be held responsible for any loss of grant funding if the project is terminated for any reason.
- b) The District may proceed with the removal of non-native vegetation at the project site using California Conservation Corps personnel following the Regional Board's adoption of the WDR. The District shall keep the project site free of such plants for the term of this agreement. The state shall tag or otherwise identify for the permittee or its agents those native plants that should not be removed.
- c) If any delay is necessary between the completion of this work and subsequent construction work, the district will ensure that any stockpiled cut vegetation is covered by tarps (or take equivalent steps) to minimize the dispersal of seeds or viable plant debris. The permittee will closely monitor construction to ensure that there is minimal disturbance to the project site and to ensure that tagged plants are protected. State Parks staff may also supervise this work consistent with their work schedules.